

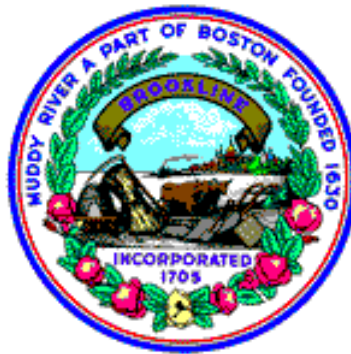
# ARTICLE V(B) PERMIT PARKING REGULATIONS

ISSUED BY THE

TOWN OF BROOKLINE  
TRANSPORTATION BOARD

In cooperation with the

BROOKLINE DEPARTMENT OF PUBLIC WORKS  
BROOKLINE POLICE DEPARTMENT



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## SECTION 1. AUTHORITY AND PURPOSE

### A. Authority

These Permit Parking Regulations are promulgated under the provisions of Chapter 317 of the Acts of 1974.

### B. Purpose of Regulations

1. Article V, Section 1(m) of the Brookline *Traffic Rules and Regulations*<sup>1</sup> establishes a 2-hour time limit on street parking between the hours of 6:00 AM of one day and 1:00 AM of the following day, Sundays and holidays excepted. Article V, Section 1(m) was adopted for purposes that include, but are not limited to, the following:
  - (a) to facilitate the sharing of limited curbside parking spaces by abutting residents and businesses in densely populated residential areas;
  - (b) to prevent commuters who patronize MBTA commuter rail or bus lines from parking for more than 2 hours on non-metered residential streets in the vicinity of MBTA stations and bus stops, and thereby monopolizing parking spaces and increasing traffic and congestion on residential streets;
  - (c) to prevent employees of establishments in commercial areas or near hospitals and other institutions from parking for more than 2 hours on adjacent, non-metered residential streets, and thereby monopolizing parking spaces and increasing traffic and congestion on residential streets;
  - (d) to prevent special event attendees from parking for more than 2 hours on adjacent, non-metered residential streets during the event and, thereby monopolizing parking spaces and increasing traffic and congestion on residential streets.
2. The Transportation Board recognizes that strict and uniform enforcement of the 2-hour parking time limit regulation may impose undesirable hardships on certain Brookline residents and other constituencies and thereby may warrant the granting of exemptions to the 2-hour time limit by the issuance of parking permits.
3. It is the purpose of these regulations, among other things, to identify the conditions under which exemptions to the 2-hour parking time limit regulation may be justified and to describe the parking permit programs under which such exemptions will be administered.

## SECTION 2. DEFINITIONS

For the purpose of this Article, the following words and phrases shall have the following meanings except as otherwise indicated in the text:

“Chief of Police” refers to the Chief of the Brookline Police Department or his designee.

“Commercial permit” means a current and valid parking permit issued under Section 8 of these regulations.

“Curbside parking space” means 20 linear feet of curb, excluding those portions of the curb where the parking of any vehicle is not permitted.

“DPW Commissioner” refers to the Commissioner of the Brookline Department of Public Works or his designee.

“In-home Child Care Provider” means an individual who provides care and supervision of children in their child’s residential location while their legal guardian is not present but resides in another location.

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<sup>1</sup> Article V. Section 1(m). Except as otherwise provided in Article V(B), no driver shall park any vehicle between the hours of 6:00 AM of one day and 1:00 AM of the following day, Sundays and holidays excepted, for a period longer than two hours on any street or highway.

“In-home Health Care Provider” means an individual who provides assistance to a patient in their residential location with personal care (as hygiene and exercise), light household duties (as meal preparation), and/or who monitors the patient’s condition but resides in another location.

“Non-resident vehicle” means a motor vehicle that is not registered to an address in a residential area where it is parked.

“Resident permit” means a current and valid parking permit issued under Section 7 of these regulations.

“Resident” means the owner or tenant of residential property in a residential area who can provide proof of residence and, for the purpose of resident permit parking, a valid vehicle registration for a vehicle parked at or in the vicinity of the residence location.

“Resident vehicle” means a motor vehicle parked in a residential area in which it is registered.

“Resident permit parking zone” means an area designated pursuant to Section 7 of this article.

“School” means an accredited educational institution that is devoted to providing academic instruction to students in one or more grades from kindergarten through high school.

“Seasonal Tradesman” means a skilled manual worker hired by a Brookline resident to provide landscaping services at their residential location between the months of April and November.

“Temporary permit” means a current and valid permit issued under Section 4 of these regulations.

“Tradesmen” means a skilled manual worker in a particular trade or craft hired by a Brookline resident to provide specific construction related services at their residential location.

“Transportation Board” means the Board authorized to adopt, alter or repeal rules and regulations relative to the operation of motor vehicles in the Town of Brookline under the provisions of Chapter 317 of the Acts of 1974.

“Transportation Division” means the organizational unit within the Brookline Department of Public Works having responsibility for the administrative implementation of these regulations.

### **SECTION 3. GENERAL**

#### **A. Compliance with Other Laws**

1. A parking permit issued pursuant to this article shall not excuse compliance by its holder with any other provision of state law or the Town of Brookline *Traffic Rules and Regulations*.

#### **B. Offenses**

1. It shall be unlawful for any person to park a motor vehicle that does not display a temporary permit in a curbside parking space between the hours of 6:00 AM of one day and 1:00 AM of the following day, Sundays and holidays excluded, for a period longer than 2 hours.
2. It shall be unlawful for any person to park a motor vehicle that does not display a resident permit in a curbside parking space on any day or during any hours for which non-resident vehicle parking is prohibited by official signs posted in a resident permit parking area.
3. It shall be unlawful for any person to represent in any fashion that a motor vehicle is entitled to a permit authorized by this article when it is not so entitled. The display of a permit on a motor vehicle not entitled to the parking permit shall constitute such a representation.
4. It shall be unlawful for any person to duplicate, or attempt to duplicate, by any means, a permit authorized by this article. It shall also be a violation of this article for any person to display on any motor vehicle a duplicate permit.
5. It shall be unlawful for any person to rent to another person for daytime occupancy and use the off-street parking space previously used and occupied by a vehicle that has been issued a resident parking permit and is now parked throughout the day in a curbside parking space.

### **C. Revocation of Permit and Appeals**

1. In addition to the penalties provided for violation of this article, the Transportation Division may revoke the parking permit of any person found to be in violation of this article after notice and hearing. Following determination that the person is in violation of this article, and upon written notification thereof, the person shall surrender the permit to the Transportation Division. Failure to surrender a revoked parking permit when requested to do so will constitute a separate violation of this article.
2. Appeals from a revocation action may be made in writing to the Transportation Board within ten (10) days of receipt of notification from the Transportation Division. The Transportation Board will schedule the matter on the agenda of a regular public meeting as soon as possible after receipt.

## **SECTION 4. TEMPORARY PARKING PERMITS FOR RESIDENTIAL ACTIVITIES**

### **A. Definition of Temporary Permit**

1. The Transportation Division may issue a temporary parking permit to Brookline residents, or those employed by Brookline residents, who by reason of a unique hardship are unable to comply with the 2-hour daytime limit established for on-street parking by Article V, Section 1(m). A temporary parking permit may be issued only for conditions that are temporary or short-term in duration. The Transportation Division may renew a temporary parking permit for good cause.
2. Candidates for temporary permits may include, but are not limited to, the following:
  - (a) tradesmen who are employed by a Brookline resident or establishment and must park on the street because they are unable to secure off-street parking spaces;
  - (b) residents who must park on the street because construction-related activities at their residence does not allow them to utilize their driveways or other off-street parking spaces;
  - (c) guests or visitors of Brookline residents who are unable to find off-street parking;
  - (d) in-home childcare providers who are retained by Brookline residents and need relief from parking regulations in order to provide care without interruption;
  - (e) in-home health care providers who are employed by Brookline residents and need relief from parking regulations in order to provide care without interruption; and/or
  - (f) seasonal tradesmen who are employed by a Brookline resident or establishment and must park on the street because they are unable to secure off-street parking spaces.

### **B. Effect of Temporary Permit**

1. A temporary permit is valid only on a designated street(s) during the hours and on the dates specified. Parking for less than 2 hours does not require a temporary permit.
2. A temporary permit is valid only for the time period shown on the permit. If conditions warrant, the permit may be renewed. The issuance and continued use of the permit shall be at the discretion of the Transportation Division.
3. A temporary permit shall not excuse its holder from complying with all other parking restrictions and prohibitions posted by signage or otherwise in effect on the assigned street.
4. A temporary permit shall not guarantee its holder that a parking space will be available when needed.
6. Applicants for a temporary permit must demonstrate that no alternative off-street parking is available to meet their needs.
7. Residents applying for a temporary permit may be required to provide proof of residency.

### **C. Requirements for Issuance of a Temporary Permit**

1. A temporary permit may be issued for a maximum of 30 days to a tradesman for the hours of 8am to 6pm provided they have submitted a completed Temporary Parking Permit Pre-Approval Application, provided a valid Building Permit issued by the Town of Brookline or a valid contract between the resident and the tradesman describing the service being provided (if the building permit is not applicable), and paid the necessary fee.
2. A temporary permit may be issued for a maximum of 30 days to a resident displaced for construction reasons for the hours of 6pm to 8am provided they have submitted a completed Temporary Parking Permit Pre-Approval Application, a valid Building Permit issued by the Town of Brookline or a valid contract between the resident and the tradesmen describing the service being provided (if the building permit is not applicable), and paid the necessary fee. Said application to be submitted by a condo association or a building manager, if applicable, for all displaced vehicles.
3. A temporary permit may be issued for a maximum of 30 days to a resident for the hours of 8am to 6pm provided they reside on a public way that is not regulated by the 2 hour rule, have submitted a completed Temporary Parking Permit Pre-Approval Application, a valid Building Permit issued by the Town of Brookline or a valid contract between the resident and the tradesmen describing the service being provided (if the building permit is not applicable), and paid the necessary fee. Said application to be submitted by a condo association or a building manager, if applicable, for all displaced vehicles.

4. A temporary permit may be issued for a maximum of 30 days to a guest or visitor for the hours of 6pm to 8am provided they do not reside within a ¼ mile radius of the nearest overnight public parking lot, have submitted a completed Temporary Parking Permit Pre-Approval Application, and paid the necessary fee.
5. A temporary permit may be issued for a maximum of 180 days to an in-home child care provider for the hours of 8am to 6pm provided they have submitted a completed Temporary Parking Permit Pre-Approval Application; provided a letter of employment signed by a Brookline resident; and paid the necessary fee.
6. A temporary permit may be issued for a maximum of 180 days to an in-home health care provider for the hours of 8am to 6pm provided they have submitted a completed Temporary Parking Permit Pre-Approval Application, provided a letter of engagement from a Massachusetts licensed healthcare agency, physician, or social worker from the Brookline Council on Aging, and paid the necessary fee.
7. A temporary permit may be issued for a maximum of 180 days to an in-home health care provider for the hours of 6pm to 8am provided they have submitted a completed Temporary Parking Permit Pre-Approval Application, provided a letter of engagement from a Massachusetts licensed healthcare agency, physician, or social worker from the Brookline Council on Aging, and paid the necessary fee. Said permit will be issued for a public parking lot if the residential address is within a 500 foot radius of the nearest overnight public parking lot.
8. A temporary permit may be issued for a maximum of 240 days to a seasonal employee for the hours of 8am to 6pm provided they have submitted a completed Temporary Parking Permit Pre-Approval Application, a valid contract between the resident and the tradesman describing the service being provided, and paid the necessary fee.

#### **D. Display of Temporary Permit**

1. A temporary parking permit in the form of a colored placard issued by the Transportation Division must be displayed on the dashboard of the driver side of the car at all times the vehicle is parked in its designated area. A temporary permit that is not displayed in the required location shall not be a valid permit and may subject the permit holder to a violation of the 2-hour parking time limit regulation.
2. A holder of a temporary permit shall remove the permit from the vehicle and destroy it upon its termination date.

#### **E. Temporary Permit Fee**

1. Subject to the approval of the Board of Selectmen, the Transportation Division shall collect a fee of one dollar (\$1.00) per day for permits issued to:
  - (a) Tradesmen;
  - (b) 6 or more vehicles displaced due to the same construction project;
  - (c) Seasonal Employees, and/or
  - (d) In-home Childcare Providers.
2. Subject to the approval of the Board of Selectmen, the Transportation Division shall collect a fee of ten dollars (\$10.00) per day for permits issued to guests or visitors.
3. If the holder of the temporary permit occupies a metered public parking space, a daily fee per meter equal to the meter rate shall be charged for the use of the metered parking space.
4. Subject to the approval of the Board of Selectmen, the Transportation Board may set and increase fees as necessary at any time to defray the reasonable cost of the temporary permit parking program.
5. The Transportation Division shall not issue any temporary permit under this section unless and until any applicable fee has been paid.

### **SECTION 5. TEMPORARY PARKING PERMITS FOR MOVING AND CONSTRUCTION ACTIVITIES**

#### **A. Designation of Temporary No Parking/Tow Zones**

1. Upon request by a Brookline resident, the Transportation Division may designate by signage an on-street parking space or spaces as a temporary no parking and tow zone for the purpose of reserving that location for occupation by a moving van or other vehicle used to move personal property to or from a residence or other location in the Town of Brookline.

2. Upon request by a contractor conducting business in the Town of Brookline, the Transportation Division may designate by signage an on-street parking space or spaces adjacent to a public and private construction site as a temporary no parking and tow zone for the purpose of reserving that location for occupation by a dumpster, or other construction-related equipment or vehicle.
3. The location of a designated no parking/tow zone area shall be identified by placement of an official no parking/tow zone sign issued by the Transportation Division. No other means of restricting parking shall be recognized, including meter bags, orange cones, or safety barrels unless otherwise authorized by the DPW Commissioner or Police Chief or their designees.
4. A temporary no parking/tow zone shall be established for no longer than the time period necessary to complete the moving or construction operation as determined by the Transportation Division. If conditions warrant, the time period associated with a temporary no parking/tow zone may be extended for good cause.

#### **B. Effect of Temporary No Parking/Tow Zone**

1. Except for authorized vehicles, public parking shall be prohibited during the hours and on the dates specified within the area that has been designated by signage as a no parking/tow zone area. Violators will be subject to ticketing and towing by the Brookline Police Department.
2. A temporary no parking/tow zone shall exist only for the time period shown on the No Parking/Tow Zone sign(s) that is issued. If conditions warrant, the Transportation Division or Police Department may extend the duration of the temporary no parking/ tow zone.
3. Applicants seeking to designate an area as a temporary no parking/tow zone must demonstrate that no alternative off-street parking is available to meet their needs.

#### **C. Display of No Parking/Tow Zone Signs**

1. The number of No Parking/Tow Zone signs necessary at a location, and guidelines for their placement, shall be determined by the Transportation Division.
2. The person that is issued a No Parking/Tow Zone sign or signs shall be responsible for removing the sign or signs upon its termination time and date.

#### **D. Fees for Designation of a Temporary No Parking/Tow Zone**

1. A fee may be charged for the issuance of each No Parking/Tow Zone sign.
2. If the designated area involves a metered public parking space, a daily fee per meter may be charged for the use of each metered parking space.
3. Subject to the approval of the Board of Selectmen, the Transportation Board may set and increase fees as necessary at any time to defray the reasonable cost of the temporary no parking/tow zone program.
4. The Transportation Division shall not issue any No Parking/Tow Zone signs under this section unless and until all applicable fees have been paid.

### **SECTION 6. PARKING PERMITS FOR SCHOOL STAFF**

#### **A. School Permit Parking Plan for Public Schools Owned and Operated by the Town of Brookline**

##### **1. School Permit Parking Plan**

- a. If after exhausting all reasonable efforts to limit the demand for on-street parking spaces (a) by creating as many off-street parking spaces as feasible on the school property or at remote, off-street locations, and (b) by encouraging transit use and carpooling, there remains a need for school staff to park on adjacent residential streets for more than 2 hours, the Transportation Board shall authorize the granting of exemptions to the 2-hour rule during the school day and school year to those staff persons identified in a school permit parking plan approved by the Transportation Board.

##### **2. School Staff Permits**



- a. As a condition of granting exemptions to the 2-hour rule for school staff, the Transportation Division or its designee shall annually manufacture and distribute uniquely identifiable permits as approved by the Transportation Board for placement on the rear passenger side windows of all exempted vehicles that will be parked on streets adjacent to the school during that school calendar year. If necessary, the streets (or street segments) on which the permitted vehicles are to be parked may be determined and designated by signage by the Transportation Division.

## **B. School Permit Parking Plan for Private and Charter Schools**

### **1. School Permit Parking Plan**

- a. If after exhausting all reasonable efforts to limit the demand for on-street parking spaces (a) by creating as many off-street parking spaces as feasible on the school property or at remote, off-street locations, and (b) by encouraging transit use and carpooling, there remains a need for school staff to park on adjacent residential streets for more than 2 hours, the Transportation Board shall authorize the granting of exemptions to the 2-hour rule during the school day and school year to those staff persons identified in a school permit parking plan approved by the Transportation Board.

### **2. School Staff Permits**

- a. As a condition of granting exemptions to the 2-hour rule for school staff, the Transportation Division or its designee shall annually manufacture and distribute uniquely identifiable permits as approved by the Transportation Board for placement on the rear passenger side windows of all exempted vehicles that will be parked on streets adjacent to the school during that school calendar year. If necessary, the streets (or street segments) on which the permitted vehicles are to be parked may be determined and designated by signage by the Transportation Division.
- b. A fee equivalent to On-street Commercial Permit Parking as outlined in Section 8.D.2 of these Rules and Regulations shall be charged to the school for each permit issued under this regulation.

## **SECTION 7. RESIDENT PARKING PERMITS**

### **A. Boundaries of Resident Permit Parking Areas**

1. There shall be nine (9) distinct resident permit parking zones established within the Town of Brookline. The boundaries of each of the nine permit parking zones shall be commensurate with the boundaries of the police sectors shown in Map 1 and be identifiable by a unique number and color.

### **B. Resident Eligibility for Resident Parking Permit**

1. Every qualified resident living at an address within the boundaries of a resident permit-parking zone may obtain a resident parking permit for their residential street within that zone. A resident is qualified if he or she is an owner or tenant of a residential property on a street in the zone who can provide both proof of residency (e.g., valid Massachusetts' drivers license, copy of current lease or utility bill in his/her name at the residence claimed) and has a valid Massachusetts vehicle registration in his/her name for the vehicle parked at or in the vicinity of the residence location.
  - a. Active duty military personnel shall be exempt from the requirement of having a valid Massachusetts vehicle registration in his/her name for the vehicle parked at or in the vicinity of the residence location provided they provide proof of active duty status and meet all other requirements for issuance.
2. No resident permit shall be issued for a motor vehicle whose owner or principal operator does not reside within the boundaries of the applicable permit-parking zone.
3. Resident permits shall not be issued to non-residents of the applicable permit-parking zone, or to business owners or employees of commercial areas within the zone.

### **C. Issuance of Resident Permits**

1. In order to obtain a resident parking permit, a resident of a resident permit-parking zone shall submit a completed resident permit application to the Transportation Division and pay the appropriate fee.
2. A resident parking permit shall be valid for a period of not more than one year from its date of issuance and may be renewed for as long as the motor vehicle qualifies for a resident permit. All resident parking permits shall expire annually on July 1.
3. A resident parking permit issued for a motor vehicle that no longer qualifies for a resident parking permit is void.
4. A resident may obtain a replacement resident parking permit in the same manner and for the same fee as the original resident parking permit upon providing satisfactory evidence to the Transportation Division that the original permit has been destroyed.

### **D. Number of Resident Permits Allowed and Permit Fees**

1. Only one resident parking permit shall be issued for each registered motor vehicle.
2. A fee may be charged for the issuance of each resident parking permit.
3. Subject to the approval of the Board of Selectmen, the Transportation Board may set and increase the fee for each permit at any time to defray the reasonable cost of issuing the permits. Said fee is set at twenty five dollars (\$25) per fiscal year.
4. The Transportation Division shall not issue any resident parking permit under this section unless and until the applicable fee has been paid.

### **E. Display of Permit**

1. Each resident parking permit (sticker) shall be permanently affixed to the lower left side of the rear window of the vehicle (back window driver's side). A resident parking permit that is not permanently affixed in the required location shall not be a valid permit.

### **F. Effect of Resident Permit**

1. Unless otherwise regulated, all Brookline residents and non-residents may park for up to 2 hours only in any unmetered, on-street parking space in any resident permit-parking zone throughout the Town of Brookline.
2. A resident parking permit shall provide its holder the right to park for longer than 2 hours in any legal, on-street parking space that is located on the street and within the resident permit parking zone in which the permit was issued. A resident parking permit shall be valid only on the street in the resident permit-parking zone for which it is issued.
3. A resident who parks for longer than 2 hours on any street, or in any permit parking zone, other than the one for which the parking permit was issued shall be subject to the same penalty for overtime (2 hours) parking as all other violators.
4. A resident parking permit shall not guarantee or reserve a curbside parking space for its holder on the street or within the resident permit-parking zone in which it is issued. A resident parking permit shall not excuse its holder from the observance of any other traffic or parking regulation in effect on any street or within any resident permit parking zone.
5. When the holder of a resident parking permit, or the vehicle for which the resident parking permit was issued, no longer fulfills one or more of the applicable provision of this section regarding the issuance or renewal of permits, the holder shall notify the Transportation Division and shall surrender the permit or present evidence that the permit has been removed from the motor vehicle.
6. Until its expiration, surrender or revocation, a resident permit shall remain valid for the length of time the holder continues to reside on the street and within the designated resident permit-parking zone in which it was issued.

### **G. Conditions for Revocation of Resident Permit**

1. A resident parking permit may be revoked by the Transportation Board if it is found, after field investigation and public meeting, that its holder has rented to another person for daytime occupancy

and use the off-street parking space previously used and occupied by the vehicle that has been issued the resident parking permit and is now parked throughout the day in a curbside parking space.

2. The resident parking permit program was developed to enable a resident to park for longer than 2 hours on the street near his or her home. It is expected that resident parking permit holders will not habitually park for longer than two hours elsewhere in the resident parking permit zone for which the permit is issued. For this reason, each resident permit (sticker) will bear the name of the street on which the associated vehicle is registered. A resident parking permit may be revoked by the Transportation Board if it is found, after field investigation and public meeting, that the vehicle on which the permit is affixed is parking regularly at a substantial distance (e.g., several blocks) from his or her home, particularly in any area where parking is scarce relative to demand (e.g., near a transit station, school, or commercial area), suggesting the resident permit is enabling the holder to effectively “commute” within the zone.

#### **H. Eligibility, Fee, and Display of Visitor Permit**

1. Every qualified resident living at an address on a street that is designated by a majority vote of the Transportation Board as being “Permit Parking Only” may obtain a maximum of two (2) visitor hang tag permits. A resident is qualified if he or she is an owner or tenant of a residential property on the street who can provide proof of residency (e.g., valid Massachusetts’ drivers license, copy of current lease or utility bill in his/her name at the residence claimed).
2. Subject to the approval of the Board of Selectmen, the Transportation Board may set and increase the fee for each permit at any time to defray the reasonable cost of issuing the permits. Said fee is set at five dollars (\$5) per fiscal year.
3. Each visitor permit (hang tag) must be affixed to the rear view mirror and be clearly visible when viewed through the front windshield. A visitor permit that is not placed in the required location or visible shall not be a valid permit.

#### **I. Effect of Visitor Permit**

1. A visitor permit shall provide its holder the right to park for longer than 2 hours in any legal, on-street parking space that is located on the street in which the permit was issued.
2. A visitor permit shall not guarantee or reserve a curbside parking space for its holder on the street in which it is issued. A visitor permit shall not excuse its holder from the observance of any other traffic or parking regulation in effect on any street or within any resident permit parking zone.
3. A visitor permit shall not be displayed on the same vehicle for a period of greater than five (5) consecutive days.
4. A visitor permit may be revoked by the Transportation Board if it is found, after field investigation and public hearing, that its holder has rented, sold, or transferred the permit to another person for daytime occupancy or is using said permit in violation of section 7.1.3 of Article V(b).

### **SECTION 8. COMMERCIAL PARKING PERMITS**

#### **A. Types and Number of Commercial Parking Permits**

1. There shall be three types of commercial parking permits defined by the location and price of the parking spaces made available for such use:
  - a. **Public Parking Lot:** A commercial parking permit may be issued on an annual basis for parking in a town-owned, off-street parking lot designated exclusively for such use by the Transportation Board.
  - b. **Metered Parking Space:** A commercial parking permit may be issued on an annual basis for parking in a metered, curbside parking space designated by signage exclusively for such use by the Transportation Board.
  - c. **Non-Metered Parking Space:** A commercial parking permit may be issued on an annual basis for parking in an non-metered, curbside parking space located on a specific street adjacent to a commercial district designated for such use by the Transportation Board.
2. The Transportation Board shall determine the location and number of parking spaces to be made available for commercial parking in the Town of Brookline. The location of commercial permit

parking areas will be based upon the characteristics of the parking supply and peak period parking demand found to exist in each of the commercial districts.

- a. A public parking lot may be reserved for commercial parking where it is determined that adequate parking to satisfy the peak period demand for parking by the customers of area businesses exists at other public parking facilities and locations within reasonable walking distance of the affected lot;
  - b. On-street, metered parking spaces may be reserved for commercial parking where it is determined that adequate parking to satisfy the peak period demand for parking by customers of area businesses exists at other public parking facilities and locations within reasonable walking distance of the reserved spaces;
  - c. On-street, non-metered parking spaces on local streets within reasonable walking distance of a commercial district may be assigned for use by commercial parking permit holders. The number of commercial permits assigned to any one street segment shall be limited to 40% of the total number of legal on-street parking spaces available on the street, unless determined by the Transportation Board that a higher percentage of commercial parking permits would be acceptable.
- b. The Transportation Board may from time to time, based on changes in parking conditions and after public hearing, change the location and number of commercial parking permits issued under this regulation. The commercial parking permit areas currently authorized in Brookline are as follows:

<u>Type of Permit</u>	<u>Lot/Street</u>	<u>Lot/Street Capacity</u>	<u>Authorized # Permits</u>
Public Parking Lot	Centre Street West Lot	56 spaces	66
	John Street Lot	14 spaces	14
Metered Parking Space	Kent/Station Street Lot	15 spaces	unlimited
	Kent Street	37 spaces	unlimited
	Harvard Street	13 spaces	unlimited
Non-metered Parking Space			40% of legal spaces

## **B. Eligibility for Commercial Parking Permit**

1. All owners or employees of a workplace operating from an address within a commercial district may apply for an annual parking permit that authorizes its holder to park in an assigned off-street parking lot, or on an assigned street, designated for commercial parking by the Transportation Board provided they demonstrate that all available onsite parking is fully utilized by employees and/or other occupants of said property. An owner or employee of a business does not have to be a Brookline resident to qualify for a commercial parking permit.
2. An owner or employee of a business operating from an address within a commercial district will be eligible for a commercial parking permit if he or she can provide proof of ownership or employment at the business location. The Transportation Board will require applicants to produce such evidence as they consider reasonable to verify eligibility.
3. The vehicle to which to commercial parking permit is affixed must be a passenger vehicle registered in the Commonwealth of Massachusetts. Commercial parking permits may not be used for the parking of commercial classification vehicles.

## **C. Issuance of Commercial Permits**

1. The Transportation Division will maintain a chronological list of all owners or employees interested in obtaining a commercial parking permit. All applicants must identify the type(s) of commercial parking permit they would like to obtain. When a commercial parking permit space becomes available at the requested location, a commercial parking permit will be offered to the first eligible applicant whose name appears on the chronological list for the type of commercial permit that has become available.

2. In order to obtain a commercial parking permit, an owner or employee of a business must submit a completed commercial permit application to the Transportation Division and pay the appropriate fee.
3. A commercial parking permit shall be valid for a period of not more than one year from its date of issuance and may be renewed for as long as the business continues to be located at its present address. All commercial parking permits shall expire annually on July 1.

#### **D. Number of Commercial Parking Permits Allowed and Permit Fees**

1. An annual fee will be charged for the issuance of each commercial parking permit.
2. Subject to the approval of the Board of Selectmen, the Transportation Board may set and increase the fee for each permit at any time to defray the reasonable cost of issuing the permits. The following schedule of permit fees are currently in effect for commercial parking permits:

<u>Permit Type</u>	<u>Fee</u>	<u>Billing Cycle</u>
Commercial parking permit (off-street, non-metered lot)	\$ 78/month <sup>1</sup>	Quarter
Commercial parking permit (on/off-street, metered space)	\$ 25 <sup>2</sup>	Annual
Commercial parking permit (on-street, non-metered space)	\$ 300 <sup>3</sup>	1 <sup>st</sup> year until 1/08
	\$ 600	Effective 1/08

<sup>1</sup> Plus an annual administrative fee of \$25 per permit.

<sup>2</sup> Permit holder must also pay meter fee when parked.

<sup>3</sup> Plus an annual administrative fee of \$25 per permit.

The cost of commercial parking permits issued on a quarterly basis will be pro-rated on the basis of the time remaining in the quarterly billing cycle. The cost of a commercial parking permit may also be adjusted in response to the temporary displacement of commercial permit holders from their assigned spaces (e.g., Farmers Market).

3. The Transportation Division shall not issue or renew any commercial parking permit under this section unless and until the applicable permit fee has been paid.

#### **E. Display of Commercial Permit**

1. Each commercial parking permit (hang tag) must be affixed to the rear view mirror and be clearly visible when viewed through the front windshield. A commercial parking permit that is not placed in the required location or visible shall not be a valid permit.

#### **F. Effect of Commercial Permit**

1. A commercial parking permit (hang tag) shall provide its holder the right to park in accordance with the following terms.
  - a. A commercial parking permit that authorizes parking in a public lot will be valid only in the assigned lot between the hours of 9:00 AM and 8:00 PM, Monday through Saturday.
  - b. A commercial parking permit that authorizes parking in a metered parking space will be valid only in the area designated for such commercial permit parking between the hours of 8:00 AM and 6:00 PM, Monday through Saturday. A commercial parking permit for on-street parking shall not be valid during the period of a declared snow emergency.
  - c. A commercial parking permit that authorizes parking in a non-metered parking space on the street will be valid only on the assigned street between the hours of 8:00 AM and 8:00 PM on the days of the permit holders employment. A commercial parking permit for on-street parking shall not be valid during the period of a declared snow emergency.
2. A commercial parking permit (hang tag) may be shared among employees (i.e., is transferable between vehicles).
3. A commercial parking permit holder who parks for longer than 2 hours on any street for which the permit is not assigned, parks in any permit parking area other than the one for which the commercial parking permit was issued, or fails to pay the required meter fees when parked in a metered space, shall be subject to the same penalties for parking violations as all other violators.

4. Holders of commercial parking permits authorized to park in metered spaces are not guaranteed a parking space. A commercial parking permit that authorizes parking in an on-street, non-metered parking space shall also not guarantee or reserve a curbside parking space for its holder on the assigned street. Permit holders assigned to an on-street non-metered parking area may apply to the Transportation Division for assignment to another street if parking is unavailable on a repeated basis on the currently assigned street.
5. A commercial parking permit shall not excuse its holder from the observance of any other traffic or parking regulation in effect on any street to which it is assigned except time-based regulations that fall within the 8:00 AM to 6:00 PM time frame.
6. A commercial parking permit must be returned to the Transportation Division if the business to which it is assigned ceases to operate or changes its business location.
7. Until its expiration, surrender or revocation, a commercial parking permit shall remain valid for the length of time the assigned holder continues to do business at the address to which the permit was issued.

#### **G. Conditions for Revocation of Commercial Parking Permit**

1. A commercial parking permit may be revoked if it is found that it has been transferred to another business, or is being utilized by a person that is not an employee of the business to which it was issued.
2. A commercial parking permit may be revoked if it is found that the vehicle on which the permit is affixed is parking regularly at a location to which it was not assigned. Commercial parking permit holders authorized to park on the street in non-metered spaces are requested not to obstruct access to resident driveways, and to park at least 10 feet from a fire hydrant and 20 feet from an intersection.
3. A commercial parking permit shall be revoked if the applicable permit fees are not paid when due.
4. A commercial parking permit may be revoked if it is found, after field investigation, that the property owner has rented onsite parking spaces to individuals not employed by an onsite business for daytime occupancy.
5. It is the responsibility of the owner of the business to which the commercial permits are issued to ensure that employees use the permits in accordance with these regulations and the terms of their agreements.